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HALLOWAY TRIED ON INDICTMENT ALLEGING EMBEZZLEMENT

Verdict of Acquittal by the Jury in the First Case

The Second Trial, Under a Similar Indictment Now in Progress

The Holloway trials have been in progress in the district court here since Monday, and have drawn crowds like some bunch of head-liners in vaudeville or a grand opera company. Judge Medler is anxious to clear up the court docket as early as possible and with the least expense to the tax payers of the county hence night sessions have been the order of procedure. In the Holloway cases, night sessions were held Monday, Tuesday and Wednesday.

The case which the state elected to try first was set for Monday morning. The lateness of the train from the east, which was expected to bring witnesses from Tucumcari, caused the postponement until afternoon, when the empaneling of the trial jury was commenced. The regular venire was exhausted before the jury was completed and a special venire was drawn Monday afternoon, composed almost entirely of residents of precinct No. 1, and returnable at seven-thirty that evening. The jury was completed at about eight o'clock and the examination of witnesses taken up immediately. The trial jury was composed of the following members: D. R. Atkinson, foreman, J. D. Taylor, A. L. Winesett, Fred. Gutierrez, A. B. Chaik, E. Moya, W. H. Harkness, Luis Aguilar, C. Q. Hanna, Stewart Wooten, Chas. Hudman.

The indictment alleged the embezzlement of the bank's funds in the sum of fifty-three hundred dollars. The state undertook to show that the defendant, H. S. Holloway, while employed as cashier of the Citizens' State Bank of Tularosa, used that sum of money, belonging to the institution, to purchase capital stock

of the bank, the stock being issued in the defendant's name.

Eugene Baird, receiver of the bank, was put on the stand to introduce the books and records of the institution. John Joerns, who, as state bank examiner, made an examination and investigation of the bank in question, spent a good many hours on the stand. The defendant also was on the stand, but was not examined at great length. Capt. Fornoff, of the mounted police and the Tucumcari witnesses, were not examined.

The case was given to the jury between nine and ten o'clock Tuesday night, and on Wednesday morning the jury returned a verdict of not guilty.

The second case, under an indictment which alleges embezzlement, was put on trial Wednesday. A jury could not be had from the regular venire and a special venire was drawn and the jury panel completed Wednesday afternoon. The trial jury is composed of the following members: H. B. Singleton, W. H. Grosh, R. F. Pollock, Jas. Schultz, Ed. Oliver, Benj. Apel, Wm. Ostie, W. C. Haynes, Calisto Aguilar, Ernest Messer, J. P. Rouw, J. P. Saulsberry.

The examination of witnesses was begun Wednesday afternoon and continued Wednesday night. At noon today, John Joerns, former state traveling auditor and bank examiner, was still testifying. As many witnesses are to be examined, the case probably will not go to the jury until late tomorrow.

H. B. Hamilton, district attorney, represents the state, while Hal H. Major of Alamogordo and J. E. Wharton of El Paso, are counsel for the defense, in both cases.

Observing Boy's Composition on Geese

"Geese is low, heavy set birds composed mostly of meat and feathers. His head sits on one side and he sits on the other. Geese can't sing much on account of the dampness of the moisture. There ain't no holes between his toes and he carries a toy balloon in his stomach to keep from sinking. Geese has two legs and they are set so far back on his running gear they came pretty near missing his body. Some geese when they get big are called ganders and have curls on his tail. Ganders don't have to set and hatch but just loaf, go swimming and eat. If I was a geese I would rather be a gander anytime. Geese does not give milk; but gives eggs, but for me give liberty or give me death."—Selected.

H. B. Jones, president of the First National Bank of Tucumcari, arrived on the late train Tuesday night. He was summoned as a witness in the Holloway case, but arrived after the case had gone to the jury.

Saturday Evening Post has New Serial

The Saturday Evening Post of this week contains the first installment of "The Apple of Discord," a serial story by Henry C. Rowland, author of "The Pilot Fish," "Leontine and Company," and "Chu-Chu the Shearer." The new story will run through five numbers.

If you are not a regular reader of the Post, file your order with Max Ogden, and for twenty-five cents he will deliver the five numbers containing the splendid story.

Notice

The ladies of the Baptist church will hold a "Gingham" sale on Saturday, March 16. Many articles other than gingham will be offered for sale. Among the other articles will be an art-square.

B. E. Pedregon, official interpreter for the Third Judicial District courts, left Saturday for his home in Las Cruces. Jas. J. Hill is serving as interpreter during the remainder of the term.

STATE LEGISLATURE WAS CONVENED MONDAY

Big Crowd in Attendance From
All Over State

REPUBLICANS ARE IN CONTROL

Baca Speaker of House, Miera
President Pro Tem.

The first state legislature of New Mexico was convened at Santa Fe on Monday, March 11. Antonio Lucero, secretary of state, called the assembly to order, with both the senate and lower house convened jointly, in the legislative hall. The hall was packed with visitors from all over the state, among whom were many ladies. Archbishop Pitaval offered the invocation.

Ramon L. Baca and Marcos C. de Baca were the only nominees for the speaker's chair. Mr. Baca received thirty-one votes, Mr. de Baca fifteen. The democrats had no candidate, but threw their support to Mr. de Baca, who has been allied with the so-called progressive wing of the republican party. Mr. Baca received the votes of the entire republican representation. Frank Staplin, editor of the Farmington Enterprise, was elected chief clerk of the house. There was no other candidate nominated for the position of chief clerk.

The house committee to notify the senate consisted of M. C. de Baca, David W. Chaves, Luis R. Montoya. The committee to notify the governor consisted of J. B. Burg, O. T. Toombs, Julian Trujillo.

E. A. Miera of Sandoval was nominated by H. B. Holt for president pro tempore of the senate. W. B. Walton of Silver City was nominated by Isaac Barth of Albuquerque. Senator Miera was elected by the vote of fifteen to seven.

Senator Holt introduced senate resolution No. 1, on behalf of the republican caucus, providing for the employes of the senate. Senator Barth presented a substitute resolution, which carried the names of a number of democrats. The Holt resolution was adopted.

The following is a list of the senate employes and their salaries:

Rev. P. Z. McCullough, chaplain, salary \$3 a day.
John Joerns, chief clerk, \$6 a day.
Manuel D. Pino, sergeant at arms, \$6 a day.
Acacio Gallegos, assistant chief clerk, \$5 a day.
E. Lopez, assistant sergeant at arms, \$5 a day.
Nimfa Romero, enrolling clerk, \$5 a day.
Stephen Canavan, Jr., enrolling clerk, \$5 a day.
Eugenio Baca, reading clerk, \$5 a day.
Netonuceno Segura, reading clerk, \$5 a day.
Albert Clancy, stenographer, \$6 a day.
W. P. Lapoint, stenographer, \$6 a day.
Miss Minnie Brumbach, stenographer, \$6 a day.
Olga Miller, stenographer, \$6 a day.
Edith Wellman, stenographer, \$6 a day.
Victoriano Ulibarri, stenographer, \$6 a day.

(continued on page five)

FIRST STATE CONVENTION ELECTS DELEGATES

Not Instructed but Largely in
Favor of Taft

BURSUM ELECTED BY ACCLAMATION

Presidential Making New Stunt
for New Mexico

For the first time in all its history, New Mexico has taken part, as a sovereign state, in the nomination of a president. New Mexico has not yet actually registered its vote in the nomination of a candidate for president, but it has held the state convention and elected its quota of delegates to the national convention, which will nominate the republican candidate for president.

The state convention was called to order in Santa Fe at two o'clock Friday afternoon. The state committee recommended the following for the temporary officers of the convention: Chairman, A. B. Renehan of Santa Fe; secretary, Lorenzo Delgado of San Miguel; interpreters, Nestor Montoya of Albuquerque and Luis Armijo of San Miguel. The convention accepted and adopted the recommendation of the committee as to the temporary officers.

There was a recess from four thirty until seven thirty, when the permanent organization was effected. The convention was then adjourned and re-convened at ten o'clock Saturday morning. The administration of President Taft was strongly endorsed in the resolutions adopted and the brand of "Progressive" put upon the Chief Executive. While the delegation goes uninstructed, the views and beliefs of the individual delegates make the New Mexico delegation almost solid for the re-nomination of Mr. Taft.

The following is the list of delegates and alternates: Benigno C. Hernandez, Rio Arriba; Gregory Page, Gallup; Frederico Chavez, Torrance; J. M. Cunningham, Las Vegas; E. A. Cahoon, Roswell; W. D. Murray, Silver City; H. O. Bursum, Socorro; Hugo Seaburg, Raton; alternates: Ramon L. Baca, Santa Fe; Francis E. Wood, Albuquerque; James W. Chaves, Willard; Simon Vorenberg, Mora; C. M. Richards, Carlsbad; W. S. Cox, Silver City; Frank H. Winston, Fairview; Malaquias Martinez, Taos.

Teachers' Meeting

The third and last regular meeting of the Otero county teachers will be held on Saturday, March 30. Prof. E. L. Enloe, of the faculty of Silver City Normal, will be here to address the meetings. There will be two meetings, one at two o'clock in the afternoon, the other at seven-thirty in the evening, both to be held in the auditorium of the high school building. Prof. Enloe's talk at the afternoon meeting will be of more particular interest to the teachers; while the evening talk will be a lecture on a broader topic. The public is cordially invited to both meetings.

R. D. Hiller has succeeded W. J. Davis as agent at Cloudcroft.

GRAND JURY REPORTS COUNTY PRINTING COSTS TOO MUCH

Believes Practice of Carrying Deadly Weapons is Too General

Finds County Offices Generally are in Apparent Good Order

Alamogordo, N. M.,
March 9, 1912.
To the Hon. E. L. Medler, Judge
of the Third Judicial District
of New Mexico, Alamogordo,
N. M.

We, the Grand Jury empaneled for the March 1912 term of Court beg to submit the following report:

We have investigated every violation of the law which has been called to our attention, and have called every witness suggested to us for examination. A great many witnesses have been called whose knowledge in particular cases was not sufficient upon which to base the presentment of an indictment, although some have given valuable evidence as to the conditions that prevail in different parts of the county.

We are of the opinion that the liquor law in regard to Sunday closing and sale of liquor to minors has been violated in a number of instances, although we have been unable to secure sufficient evidence to warrant indictments.

We are of the opinion that there is a practice of illegally carrying concealed weapons in certain parts of the County, concerning which we were not able to secure sufficient evidence to present indictments, and we recommend that the Sheriff and his deputies, through the Sheriff, be instructed to put forth extraordinary efforts to put a stop to this practice.

We have presented indictments in all violations of the law in cases, where, in our opinion, sufficient evidence could be secured for conviction.

Committees were appointed to visit and inspect all the offices of the County officials and the County Jail, a report of which is herewith attached.

From records examined, and evidence secured, we are of the opinion that the county is paying considerably more for printing than is necessary, especially for the publication of the delinquent tax list. There appears to be no evidence that there has been bids asked for in the matter of publishing the delinquent tax list since April 5, 1909. The contract let at that time expired on the 31st day of December, 1910. It appears that bids have not been asked for, although the publishing of the delinquent tax list published in January, 1912, amounts to about \$567.00, the maximum allowed by statute, while the same could have been published for about one-half of this amount.

One of the adjoining counties is paying thirty one percent of the maximum allowed.

Respectfully submitted,
(Signed) J. W. BENNETT,
Foremen of the Grand Jury.

Alamogordo, N. M.
March 9, 1912.
To the Foreman of the Grand
Jury:

We, the Committee appointed to visit and inspect the offices of the County officials, submit the following report:

The office of the Clerk, Treasurer, Sheriff, Assessor and Supt. of Schools, are, at present, in apparent good order as far as arrangement and cleanliness are concerned. The books appear to be kept in an orderly and business-like manner.

The jail is kept in a first class manner as far as it is possible to do so under conditions existing. The walls of the jail are badly marked, plastering off in places, and the ceilings blackened. Therefore, we recommend that the walls and ceiling, up stairs, be calcimined and the plastering patched. The bars of one of the cells have been sawed through making this cell unfit for the safe keeping of a prisoner in this cell. Same should have two new bars.

(Signed) J. A. TATUM,
Foreman of Committee.

Changes in Depot Force

W. J. Davis has resigned as agent at Cloudcroft and returned to Alamogordo to resume his place as first trick operator and clerk in the roadmaster's office. W. L. Arnold, who is displaced as second trick operator, goes to Ancho. C. R. Fox, now on first trick, goes back to his old place on the second trick. The traveling auditor was here yesterday making the transfers.

University Regents

Governor McDonald appointed Felix H. Lester and J. A. Reidy, of Albuquerque, Howard L. Bickley, of Raton, Nathan Jaffa, of Roswell and A. W. Cooley, of Silver City, members of the board of regents of the University of New Mexico yesterday.—Santa Fe Eagle.

W. J. Hendrix of Cloudcroft was a visitor in Alamogordo Saturday.

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Orndorff to Manage Lodge

Burt Orndorff is to be the manager of the Lodge at Cloudcroft during the coming season. The contract has not yet been closed, but the details have been arranged and matters will be closed up in a few days. Mr. Orndorff is manager of the hotels Sheldon and Orndorff.—El Paso Herald.

Retailers Meet

The Alamogordo Retailers and Business Men's association held its regular meeting Tuesday night in Judge W. K. Stalcup's office in the court house annex. The session was rather a brief one, on account of the night session of court. The only subject under discussion was the matter of incorporating the town.

Mrs. Byron Sherry returned last week from El Paso, where she spent several weeks visiting.